

REMARKS

The Examiner has rejected claim 13 as being anticipated by Chapple and claim 7 as being unpatentable over Chapple in view of Straub.

Independent claim 1 has been amended to include the limitations of both claim 7 and claim 13. Claims 7-18, 23 and 24 have been cancelled without prejudice.

It would not be obvious to combine Chapple and Straub to arrive at the method of claim 1. Chapple has been cited for teaching gradual change and Straub has been cited for teaching automatic program switching.

Claim 1 includes changing the hearing program gradually in automatic response to the acoustic environment and immediately in response to a manual intervention. The automatic gradual change avoids confusing or irritating the hearer with an unexpected change. In the case of manual intervention, the gradual change is omitted because the hearer knows its coming. See e.g., page 12, lines 1-21.

In Chapple, the manual switch 35 simply starts a gradual change between signal inputs. Col. 3, lines 33-48. This is desirable when the hearer does not expect the change, but it can be intentionally omitted when the hearer is instigating the change knowing the change is coming. Chapple and Straub cannot be combined to form a method that automatically responds gradually to the acoustic environment while immediately responding to a manual intervention.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and notification of same is requested.

Appl. No. 10/044,701
Amdt. dated Sept. 21, 2009
Reply to Office action of April 20, 2009

If any further fees are required by this communication, please charge such fees to our Deposit Account No. 160820, Order No. TSW-34152.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
James M. Moore, Reg. No. 32923

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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